IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: **Polan et al.**	§	
	§	Group Art Unit: **2152**
Serial No. **10/666,869**	§	
	§	Examiner: **El Hady, Nabil M.**
Filed: **September 18, 2003**	§	
	§	
For: **Provisioning Web Services**	§	
	§	

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

35525
PATENT TRADEMARK OFFICE
CUSTOMER NUMBER

APPEAL BRIEF (37 C.F.R. 41.37)

This brief is in furtherance of the Notice of Appeal, filed in this case on June 30, 2006.

A fee of $500.00 is required for filing an Appeal Brief. Please charge this fee to IBM Corporation Deposit Account No. 09-0447. No additional fees are believed to be necessary. If, however, any additional fees are required, I authorize the Commissioner to charge these fees which may be required to IBM Corporation Deposit Account No. 09-0447. No extension of time is believed to be necessary. If, however, an extension of time is required, the extension is requested, and I authorize the Commissioner to charge any fees for this extension to IBM Corporation Deposit Account No. 09-0447.

REAL PARTY IN INTEREST

The real party in interest in this appeal is the following party: International Business Machines Corporation of Armonk, New York.

RELATED APPEALS AND INTERFERENCES

With respect to other appeals or interferences that will directly affect, or be directly affected by, or have a bearing on the Board's decision in the pending appeal, there are no such appeals or interferences.

STATUS OF CLAIMS

A. TOTAL NUMBER OF CLAIMS IN APPLICATION

Claims in the application are: 1-13

B. STATUS OF ALL THE CLAIMS IN APPLICATION

1. Claims canceled: 4, 6-7, and 10
2. Claims withdrawn from consideration but not canceled: None
3. Claims pending: 1-3, 5, 8-9, and 11-13
4. Claims allowed: None
5. Claims rejected: 1-3, 5, 8-9, and 11-13
6. Claims objected to: None

C. CLAIMS ON APPEAL

The claims on appeal are: 1-3, 5, 8-9, and 11-13

STATUS OF AMENDMENTS

An amendment accompanying the brief has not yet been entered.

SUMMARY OF CLAIMED SUBJECT MATTER

A. CLAIM 1 - INDEPENDENT

Claim 1 is directed to a web service provisioning system for provisioning multiple web services (**Figures 2-4**, page 5, line 16 through page 7, line 30). The provisioning system **100** contains a subscription system **110** coupled to an invocation system **112**.

The subscription system **110** includes:

- storage **116** for descriptions **118** in Web Services Definition Language (WSDL) of each offered web service **16** (page 6, lines 9-13), and
- storage **116** for provisioning processes **140** in Web Services Flow Language (WSFL) for the offered web services **16** and for provisioning processes **134**, **136**, **138** for additional web services that provision respective administrative systems **20**, **24**, **22** that support the offered web services (page 6, lines 9-13 and page 6, line 28 through page 7, line 21).

The invocation system is configured to perform these actions:

- receive a selection of an offered web service (step **216**, page 7, lines 28-30, example discussed on page 7, lines 6-15),
- invoke the provisioning of the offered web service (step **218**, page 7, lines 28-30, example discussed on page 7, lines 6-15), and
- invoke the provisioning of each additional web service that provisions administrative systems that support the offered web service (step **218**, page 7, lines 28-30, example discussed on page 7, lines 6-15).

B. CLAIM 8 - INDEPENDENT

Claim 8 is directed to a method of provisioning a group of web services (**Figure 4**, page 7, lines 22-30). This method claim is analogous to system claim 1.

GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

A. GROUND OF REJECTION 1 (Claims 1, 2, 5, 8, 9, and 11-13)

Whether claims 1, 2, 5, 8, 9, and 11-13 are anticipated over **Fletcher *et al.***, Dynamic, Real-Time Integration of Software Resources Through Services of a Content Framework, U.S. Patent Publication No. 2003/0055624 (March 20, 2003) (hereinafter "**Fletcher1**") under 35 U.S.C. § 102(e).

B. GROUND OF REJECTION 2 (Claims 1, 2, 8, 11, and 12)

Whether claims 1, 2, 8, 11, and 12 are anticipated over **Fletcher *et al.***, Provisioning Aggregated Services in a Distributed Computing Environment, U.S. Patent Publication No. 2003/0135628 (July 17, 2003) (hereinafter "**Fletcher2**") under 35 U.S.C. § 102(e).

C. GROUND OF REJECTION 3 (Claims 1, 2, 5, 8, 9, and 11-13)

Whether claim 5 is indefinite for reciting "the provisioning system". An amendment to claim 5 accompanies this appeal brief for the sole purpose of removing this issue from the appeal.

ARGUMENT

A. GROUND OF REJECTION 1 (Claims 1, 2, 5, 8, 9, and 11-13)

Claim 1 is representative of the claims in this group and reads:

> 1. A web service provisioning system for provisioning a plurality of web services, the provisioning system comprising:
> a subscription system including:
> web service description data storage for storing web service description data correlated to each web service of the plurality of web services, wherein the web service description data defines the respective web service in Web Services Definition Language, and
> **provisioning processes data storage for storing respective provisioning processes data** for each web service of the plurality of web services and **for each of a plurality of provisioning web services that correlate to respective administrative systems supporting the plurality of web services**, wherein the provisioning processes data is in Web Services Flow Language; and
> an invocation system operatively coupled to the subscription system and configured for:
> receiving a selection of a first web service,
> invoking the respective provisioning processes data for the first web service, and
> **invoking the respective provisioning processes data for each provisioning web service that correlates to an administrative system supporting the first web service.**

A prior art reference anticipates the claimed invention under 35 U.S.C. § 102 only if every element of a claimed invention is identically shown in that single reference, arranged as they are in the claims. *In re Bond*, 910 F.2d 831, 832, 15 U.S.P.Q.2d 1566, 1567 (Fed. Cir. 1990). All limitations of the claimed invention must be considered when determining patentability. *In re Lowry*, 32 F.3d 1579, 1582, 32 U.S.P.Q.2d 1031, 1034 (Fed. Cir. 1994). Anticipation focuses on whether a claim reads on the product or process a prior art reference discloses, not on what the reference broadly teaches. *Kalman v. Kimberly-Clark Corp.*, 713 F.2d 760, 218 U.S.P.Q. 781 (Fed. Cir. 1983).

In the bold portions of claim 1 above, *provisioning processes data ... for each of a plurality of provisioning web services that correlate to respective administrative systems* are first stored and then invoked. This means that not only is the first web service provisioned, but any related administrative services are also provisioned by web services. **Fletcher1** does not

anticipate the invention recited in claim 1 because this reference does not disclose the *provisioning processes data ... for each of a plurality of provisioning web services that correlate to respective administrative systems.*

Regarding this claim, the rejection states

> 5. As to claims 1 and 8, Fletcher discloses the invention as claimed including ... providing respective provisioning processes data ... for each of a plurality of provisioning web services that correlate to respective administrative systems supporting the plurality of web services ([0024]; [0050]), ... and invoking the respective provisioning processes data for each provisioning web service that correlates to a respective administrative system supporting the first web service ([0024]; [0050]).

Office action mailed March 30, 2006, pages 2-3

The rejection cites the following excerpts from **Fletcher1**:

> [0024] The technique may further comprise implementing deployment operations in the software resources of the collection, wherein the deployment operations implement the deployment interface, and/or implementing management operations in the software resources of the collection, wherein the management operations implement the system interface.
>
> [0050] The system interface is used for run-time management of portlets (that is, of web services represented by portlet proxies) by the portal platform. Use of the system interface allows the portal platform to perform functions such as logging of events, billing, and other types of administrative operations pertaining to execution of the web service. This requires 2-way communication between the portal platform and the portlet proxy, and uses novel techniques which are disclosed herein.

Fletcher1, paragraphs 24 and 50

These excerpts disclose that a system interface is implemented for runtime management of the web services, which includes administrative operations. It is, of course, necessary for any type of online service to have a means to log transactions and bill clients. The question is not whether administrative functions must be provided, but rather the manner in which they are provided and provisioned. Claim 1 recites that the administrative systems are provisioned by web services. **Fletcher1** does not disclose that the administrative systems in this patent application are provisioned by web services. There is no mention in the above excerpts or at any other location in **Fletcher1** that a web service provisions the system interface or any of the administrative systems that are part of the system interface. Therefore, **Fletcher1** does not meet the feature of "*provisioning processes data storage for storing respective provisioning processes data*

... for each of a plurality of provisioning web services that correlate to respective administrative systems supporting the plurality of web services" or the feature of "*invoking the respective provisioning processes data for each provisioning web service that correlates to an administrative system supporting the first web service*". Since these features are not met, the rejection under §102 over **Fletcher1** should be overturned.

B. GROUND OF REJECTION 2 (Claims 1, 2, 5, 8, 9, and 11-13)

Claim 1, shown above, is also representative of the group of claims in this rejection. Regarding claim 1, the office action states:

> 11. As to claims 1 and 8, Fletcher2 discloses the invention as claimed including ... providing respective provisioning processes data ... for each of a plurality of provisioning web services that correlate to respective administrative systems supporting the plurality of web services ([0043]), ... and invoking the respective provisioning processes data for each provisioning web service that correlates to a respective administrative system supporting the first web service ([0043]; [0068]).

Office action mailed March 30, 2006, pages 4-5

The cited paragraphs that relate to provisioning of administrative systems include paragraphs [0043] and [0068] of **Fletcher2**, which state:

> [0043] The system interface is used for run-time management of portlets (that is, of web services represented by portlet proxies) by the portal platform Use of the system interface allows the portal platform to perform functions such as logging of events, billing, and other types of administrative operations pertaining to execution of the web service. Two-way communication between the portal platform and the portlet proxy is used for this purpose.
>
> [0068] Turning now to FIG. 6, logic is depicted which may be used for executing an aggregated service and the identity and/or configuration operations of its sub-services within the context of a web services work flow, according to preferred embodiments of the present invention.

Fletcher2, paragraph [0068]

As well as disclosing the system interface discussed in **Fletcher1**, **Fletcher2** discloses logic in Figure 6 that performs authentication and authorization related to multiple aggregated web services. As mentioned in the earlier rejection, the question is not whether administrative functions are provided, but the manner in which they are provided and provisioned. **Fletcher2** does not disclose that the administrative systems in this patent application are provisioned by web services.

There is no mention in the cited excerpts or at any other location in **Fletcher2** that a web services provisions the system interface, performs the authentication and authorization of Figure 6, or any of the administrative systems that are part of this patent application Therefore, **Fletcher2** does not meet the feature of "*provisioning processes data storage for storing respective provisioning processes data ... for each of a plurality of provisioning web services that correlate to respective administrative systems supporting the plurality of web services*". Neither does this reference meet the feature of "*invoking the respective provisioning processes data for each provisioning web service that correlates to an administrative system supporting the first web service*". This rejection should be overturned for this group of claims.

The Board of Appeals if respectfully requested to overturn the rejection of all claims over **Fletcher1** and **Fletcher2** and to indicate the claims to allowable over these references.

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CLAIMS APPENDIX

The text of the claims involved in the appeal are:

1. A web service provisioning system for provisioning a plurality of web services, the provisioning system comprising:

a subscription system including:

web service description data storage for storing web service description data correlated to each web service of the plurality of web services, wherein the web service description data defines the respective web service in Web Services Definition Language, and

provisioning processes data storage for storing respective provisioning processes data for each web service of the plurality of web services and for each of a plurality of provisioning web services that correlate to respective administrative systems supporting the plurality of web services, wherein the provisioning processes data is in Web Services Flow Language; and

an invocation system operatively coupled to the subscription system and configured for:

receiving a selection of a first web service,

invoking the respective provisioning processes data for the first web service, and

invoking the respective provisioning processes data for each provisioning web service that correlates to an administrative system supporting the first web service.

2. The web service provisioning system as claimed in claim 1, further comprising a service catalog system configured to present the plurality of web services using the correlated web service description data and to allow selection of a desired web service.

3. The web service provisioning system as claimed in claim 2, wherein the service catalog system is further configured to determine user profile data.

5. The provisioning system as claimed in claim 1, wherein the provisioning processes data comprises a plurality of nodes, wherein each node of the plurality of nodes comprises web service invocation data for invoking the respective provisioning web service.

8. A method of provisioning a plurality of web services, the method comprising:

providing web service description data correlated to each web service of the plurality of web services, wherein the web service description data is in Web Services Definition Language;

providing respective provisioning processes data for each web service of the plurality of web services and for each of a plurality of provisioning web services that correlate to respective administrative systems supporting the plurality of web services, wherein the provisioning processes data is in Web Services Flow Language;

receiving a selection of a first web service;

invoking the respective provisioning processes data for the first web service; and

invoking the respective provisioning processes data for each provisioning web service that correlates to a respective administrative system supporting the first web service.

9. The method as claimed in claim 8, wherein the provisioning processes data comprises a plurality of nodes, wherein each node comprises web service invocation data correlated to invoking a respective provisioning web service.

11. A computer program product stored on computer-readable media and having instructions for directing a computer system to perform the method of claim 8.

12. The provisioning system of claim 1, wherein the plurality of provisioning web services for administering the plurality of web services correlate to administrative systems chosen from a group consisting of a billing system, a security system, and a user profile system.

13. The method of claim 8, wherein the plurality of provisioning web services for administering the plurality of web services correlate to administrative systems chosen from a group consisting of a billing system, a security system, and a user profile system.

EVIDENCE APPENDIX

There is no evidence to be presented.

RELATED PROCEEDINGS APPENDIX

There are no related proceedings.